

Case 2:10-cv-10978-PJD-MJH

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UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

2010 JUL 19 A 5:31

FILED

AMERICAN UNIVERSITY OF ANTIGUA,
COLLEGE OF MEDICINE, a foreign corporation,

Plaintiff,

v

CASE No.: 2:10-cv-10978-PJD-MJH

Judge Patrick J. Duggan
Magistrate Judge

STEVEN WOODWARD,

Defendant,

REQUEST FOR SETTING ASSIDE MOTION FOR DEFAULT
REQUEST FOR DISMISSAL FOR ON GROUNDS OF PERJURY, OBSTRUCTION
and CONTEMPT.

In accordance with Fed. R. Civ. P. 55(c), and Fed R. Civ. P. 60 (b). I request that the Request Clerk's Entry of Default be set aside.

This is in accordance with the Honorable Judge Duggan's change in time table allowing the defendant, Steven Woodward, time to find legal counsel. Pure logic dictates that I was not under an obligation to submit a pleading until after July 15th, 2010 because of the time I was given to obtain legal counsel, per Fed. R. Civ. P. 12 (a). (1). There have been no dates assigned to me for answering the claim as of yet, since I do not reside inside the United States, I am here only to defend myself.

I have made every effort to defend myself and comply more than timely in these proceedings and as such request the Default be set aside and be adequately notified of the date of which my answer and counter claim has to be filed.

Exhibit 1:

The plaintiff's attorney, Eric A. Buikema, knew I was living abroad per the conversation in the presents of the Honorable Judge Duggan stated that I was living in the "Caribbean", but in "PLAINTIFF'S VERIFIED COMPLAINT AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING ORDER" states in number 3. "Defendant Steven Woodward is a resident of Flint, Michigan who, upon last information and belief, makes his home on a sailboat in the vicinity of Flint, Michigan." This statement is perjury USC:18:1621, obstruction and contempt.

The following exhibits is another example of perjury made by the plaintiff. (Exhibit 2)The plaintiff's own Exhibit C from "INDEX OF EXHIBITS TO PLAINTIFF'S BRIEF IN SUPPORT OF ITS MOTION FOR A PRELIMINARY INJUNCTION" is proof of this. The plaintiff states in "PLAINTIFF'S VERIFIED COMPLAINT AND EX PARTE REQUEST FOR TEMPORARY RESTRAINING ORDER". (Exhibit 3) Number 21. h. "AUA students are sexually assaulted" Their own Exhibit C(Exhibit 2) states "AUA student sexually assaulted". The plaintiff's attorney used the excuse of plurality in his defense in the presence of the Honorable Judge Duggan.

Exhibit 4:

This exhibit is my flight itinerary. This is proof I was living on St Maarten and traveled to Flint, Michigan to defend myself.

Exhibit 5:

This email to Andrea_Teets@mied.uscourts.gov demonstrates my intentions to defend myself and to try and obtain procedural deadlines.

Exhibit 6:

This email also to Andrea Teets demonstrates that I am trying to obtain accurate dates due to my situation of living abroad.

I quote:

"Please advise me on the waiver and motion process and process dates so I can establish dates to defend myself."

The plaintiff's attorney knew I was returning from abroad and was granted time to seek counsel until July 15, 2010.

I request this case be dismissed.

Exhibit 1

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3. Defendant Steven Woodward is a resident of Flint, Michigan who, upon last information and belief, makes his home on a sailboat in the vicinity of Flint, Michigan. *Wrong. I do not live in Flint.*

4. This action arises, in most basic summary, out of Defendant's ownership and publication of a website, and derivative publications, containing false and defamatory information about AUA, as well as private information about AUA students protected from disclosure under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232(g), and by his use of a confusingly similar domain name ("www. *AUA*-med.com") that infringes upon and/or dilutes AUA's protected trade name under Federal Statutory and common law including, but not limited to, the United States Trademark Act of 1946 (the *Lanham Act*), 15 U.S.C. § 1125(c), and the Anticybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d).

5. The amount in controversy exceeds \$75,000 exclusive of fees, costs or interest.

6. This court has jurisdiction over Plaintiff's Federal Statutory claims pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over Plaintiff's common law claims pursuant to 28 U.S.C. § 1337. As there exists complete diversity of citizenship amongst the parties, this court further has jurisdiction pursuant to 28 U.S.C. § 1332.

7. As the sole Defendant is a resident of this judicial district, venue is proper pursuant to 28 U.S.C. § 1331.

Uniform domain name dispute resolution policy UDRP

Exhibit 2

American University of Antigua

This Web site is intended to **ensure you are well informed** about this institution and the hospitals they do business with.

Hopefully, this **prevents you from wasting years** of your life and possibly as much as \$150,000 in tuition alone.

Consider yourself **informed** about the business practices of AUA.

Antigua only has a 22.9% USMLE Pass Rate!

AUA student sexually assaulted!

Learn more truth about rape, murder, and other crimes on Antigua!

This site contains **evidence** about AUA:

-Fraud

-Falsifying Student Grades

-Breach of Contract

-Disregard for Student Civil Rights

-Conspires Against Students

and other unethical practices by AUA and the hospitals they do business with.

"The Memo" is a link to evidence about a letter that had no other than malicious intentions. This demonstrates the pure heinous nature of the administration and academic advisors of both AUA and St Joseph Mercy Oakland hospital of Trinity Healthcare network.

"Video Index" is the complete list of videos.

The documents included on this site are: court exhibits, depositions, interrogatories, student records, emails from student and faculty, recordings, pictures, and other documentation.

If these **businesses** do this to their students, one can only imagine what they do to their patients.

This web site is dedicated to all the students whose lives, careers, and dreams were ruined by AUA.

(This is not the official American University of Antigua, AUA, site.)

- h. AUA students are sexually assaulted;
- i. AUA professors teach students wrong information;
- j. AUA conspires to commit fraud and violations of civil rights;
- k. AUA commits criminal activities reportable to the FBI;
- l. AUA student pass rate for USMLE medical board exams is only 22.9%;
- m. AUA contrives false evidence in student disciplinary proceedings (i.e., the hearing Mr. Woodward was provided prior to dismissal and refused to even attend);
- n. AUA colluded with St. Joseph Hospital to maliciously end Mr. Woodward's career, conspired, abused its power, committed perjury and is otherwise immoral and unethical;
- o. AUA agents are liars;
- p. The locality of AUA is full of "rape, murder, fraud, and government corruption."

22. Defendant's website further publishes, in a manner not repeated here, and without consent of the university or its affected students, other students' identities and personal information including grades and academic information.

22. In that Plaintiff utilizes its own website to market and provide useful information to prospective students, AUA suffers irreparable injury and harm to its reputation each day that Mr. Woodward's appalling site is permitted to remain available.

23. Moreover, irreparable injury to AUA and its affected students occurs, for which there is not an adequate remedy at law, by virtue of Mr. Woodward's unsanctioned and unauthorized publication of federally protected private academic information.

Exhibit 4

From: Yahoo! Travel Customer Support (yahoo@travelocity.com)
To: STEVE L WOODWARD@YAHOO.COM;
Date: Fri, March 26, 2010 11:17:42 PM
Cc:
Subject: Your Friend Made A Reservation on Yahoo! Travel

Steven has made travel arrangements with Yahoo! Travel (<http://travel.yahoo.com>) and requested that we share the itinerary with you.

We do not retain your email address, so you will not receive anything further from us unless you choose to become a member.

ITINERARY

Primary Contact: Steven Woodward

> Lookup flight status: http://edit.travel.yahoo.com/config/ytravel_checkflight.

Flight: 1 Round-Trip Ticket

All flight times are local to each city.

Sun, Mar 28, 2010

St Maarten, (SXM) to Flint, (FNT)

Flight: American Airlines Flight 4833 operated by EXECUTIVE AS AMERICAN EAGLE (on Aerospatiale/Alenia ATR 72)

Depart: 08:15 AM, St Maarten, Netherlands Antilles (SXM)

Arrive: 09:30 AM, San Juan, Puerto Rico (SJU)

1 Stop - change planes in San Juan, (SJU)

Connection Time:

Flight: American Airlines Flight 2078 (on Boeing 737-800)

Depart: 03:20 PM, San Juan, Puerto Rico (SJU)

Arrive: 07:45 PM, Chicago, IL (ORD)

1 Stop - change planes in Chicago, (ORD)

Connection Time: 5 hrs 50mins

Flight: American Airlines Flight 4060 operated by AMERICAN EAGLE (on Embraer RJ145 Amazon)

Depart: 09:05 PM, Chicago, IL (ORD)

Exhibit 5

From: Steve Woodward (steve_1_woodward@yahoo.com)
To: Andrea_Teets@mied.uscourts.gov;
Date: Fri, March 19, 2010 12:37:14 PM
Cc:
Subject: Re: Response to your Inquiry - Case Number 10-10978

Andrea,

I need to know where I can get information concerning a potential claim against me.

I need to know information on being served, since I am out of the country.

I need to know information relating to deadlines for filing a rebuttal to a claim.

I need to know when the deadline time begins.

Thank you for your time.

Steven

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From: Steve Woodward <steve_1_woodward@yahoo.com>
To: Andrea_Teets@mied.uscourts.gov
Sent: Thu, March 18, 2010 7:38:24 AM
Subject: Re: Response to your Inquiry - Case Number 10-10978

Andrea,

I am living abroad and under the poverty level for a couple years. I will have to try and defend myself from wherever I am and with very limited means.

Does the courts supply any assistance for people under these circumstances?

Can I perform court activities electronically?

I see there are costs for using PACER, again is there another system or process I can use to obtain records?

Can someone in your office just confirm or deny that there are/is any cases filed against me?

Currently I have to use internet access from cafe's and etc and I have limited/unreliable mail access. I use my sister's mailing address, because I do not know where I will be living from month to month, while I seek employment.

I need access to legal material so I can try and learn the processes for dealing with court activities. Do you have the URL for legal material?

I believe this will put me at a great disadvantage to defend myself and limit my rights to Due Process.

Exhibit 6

From: Steve Woodward (steve_1_woodward@yahoo.com)
To: Andrea_Teets@mied.uscourts.gov; sallyvolz@yahoo.com; steve_1_woodward@yahoo.com;
Date: Sat, March 20, 2010 10:41:41 AM
Cc:
Subject: Re: Response to your Inquiry - Case Number 10-10978

Andrea,

I would like to amend the last email.

I need to know what situation applies to me as a US citizen living in a foreign area having a claim filed against them by a foreign institution in a jurisdiction of which I do not reside.

I just finished reading Rule 4 Summons section (f) and believe this more likely represents my situation.

(f) Service Upon Individuals in a Foreign Country. Unless otherwise provided by federal law, service upon an individual from whom a waiver has not been obtained and filed, other than an infant or an incompetent person, may be effected in a place not within any judicial district of the United States:

Please advise me on the waiver and motion process and process dates so I can establish dates to defend myself.

If you can not advise me on this matter please let me know if there is an individual that can.

Thank you for your help, patience and time,

Sincerely,

Steven Woodward

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From: Steve Woodward <steve_1_woodward@yahoo.com>
To: Andrea_Teets@mied.uscourts.gov; Sally Ann Volz <sallyvolz@yahoo.com>; Steve Woodward <steve_1_woodward@yahoo.com>
Sent: Sat, March 20, 2010 10:28:05 AM
Subject: Response to your Inquiry - Case Number 10-10978

Andrea,

I would like to file a waiver under the Rule 4 Summons (3) since I have not been served and I am currently outside the jurisdiction of the United States .
I am currently in the Caribbean and have been for approximately one year.

I believe that under this rule I have 90 days from the date on the process to reply to allegations.
I need to know what the process date was so I can establish my filing dates.